

## **REMARKS**

### **I. Introduction**

Claims 6 to 11 are pending in the present application. In view of the foregoing amendments and the following remarks, it is respectfully submitted that all of the presently pending claims are allowable, and reconsideration is respectfully requested.

### **II. Telephone Interview**

Applicants note with appreciation the courtesies extended by Examiner Paschall during the course of the telephone interview conducted on October 8, 2008 with Applicants' representative Daniel Matthews (Reg. No. 63,277).

During the course of the interview, no exhibit was shown, and no demonstration was conducted.

During the course of the interview, claims 6 and 11 were discussed.

During the course of the interview, U.S. Patent No. 5,934,748 ("Faust et al.") and U.S. Patent No. 6,078,024 ("Inoue et al.") were discussed.

During the course of the interview, amendment of the claims to incorporate features of claim 11 with the features of claim 6 was discussed.

During the course of the interview, the general thrust of the principal arguments of the Applicants is that Faust et al. and Inoue et al. do not render unpatentable the claims, either with or without the proposed amendment.

The general result of the interview was that no agreement was reached.

### **III. Rejection of Claims 6 to 9 and 11 Under 35 U.S.C. § 103(a)**

Claims 6 to 9 and 11 were rejected under 35 U.S.C. § 103(a) as unpatentable over the combination of either U.S. Patent No. 5,934,748 ("Faust et al.") or German Patent Publication No. 19703516 ("Faust et al. II") and U.S. Patent No. 6,078,024 ("Inoue et al."). It is respectfully submitted that the combination of either Faust et al. or Faust et al. II and Inoue et al. does not render unpatentable the present claims for at least the following reasons.

Although Applicants do not agree with the merits of the present rejection, to facilitate prosecution, claims 6 and 11 have been amended herein without prejudice. In this regard, claim 6 has been amended without prejudice to

recite that the seat ventilation system is controlled by a first controller and the seat heater is controlled by a second controller. Claim 6 has been further amended herein without prejudice to recite disabling the seat ventilation system below a first temperature threshold for the outside temperature by disabling the first controller, and disabling the seat heater above a second temperature threshold for the outside temperature by disabling the second controller. Support for this amendment may be found, for example, at page 5, lines 4 to 20 of the Specification.

Claim 11 has been amended without prejudice to recite outputting a control signal from the first controller to the seat ventilation system, the first controller determining the control signal by processing the detected temperature of the seat and the predetermined desired value, and outputting a control signal from the second controller to the seat heater, the second controller determining the control signal by processing the detected temperature of the seat and the predetermined desired value. Claim 11 has also been amended without prejudice to recite disabling the first controller below a first temperature threshold for the outside temperature, thereby disabling the seat ventilation system and disabling the second controller above a second temperature threshold for the outside temperature, thereby disabling the seat heater. Support for this amendment may be found, for example, at page 4, line 18 to page 5, line 20 of the Specification.

Faust et al. relates to a vehicle seat with temperature and ventilation control and method of operation. Faust et al. discloses measuring a cushion surface temperature and switching on a ventilation device or switching off a heating device when the surface temperature is above an indicated value. Abstract. Faust et al. also discloses switching off the ventilation device or switching on the heating device when the surface temperature is measured to be above the indicated value. Id. In this regard, Faust et al. does not disclose or suggest disabling a seat ventilation system below a first temperature threshold for the outside temperature by disabling a first controller or switching off a seat heater above a temperature threshold for the outside temperature by disabling a second controller, as recited in claims 6 and 11.

Faust et al. II relates to a vehicle seat with upholstery heating and cooling. Faust et al. II discloses a heat sensor in a seat upholstery and a control unit that switches on a ventilation unit or disengages a heater when the temperatures registered by the sensor exceed a predetermined value. Abstract. Faust et al. II also discloses that the reverse takes place when the temperature falls below the

predetermined value. Abstract. In this regard, Faust et al. II does not disclose or suggest disabling a seat ventilation system below a first temperature threshold for the outside temperature by disabling a first controller or switching off a seat heater above a temperature threshold for the outside temperature by disabling a second controller, as recited in claims 6 and 11.

Inoue et al. relates to an air conditioning apparatus having an electric heating member integrated with a heating heat exchanger. As an initial matter, Applicants maintain that, contrary to the Final Office Action's contention at page 2, Inoue et al. does not disclose, or even suggest, a seat heater or a seat ventilation system. To the extent that the Examiner may be considering the air conditioning system of Inoue et al. to constitute a seat heater and/or a seat ventilation system, it is noted that each of claims 6 and 11 recites that the seat includes a seat heater and a seat ventilation system. It is plainly apparent that the air conditioning system of Inoue et al. is not included in a seat.

Inoue et al. describes a heating heat exchanger for heating air, in which hot cooling water from the engine is used to supply heat. In order to address the problem of insufficient water temperature (see, e.g., col. 1, lines 24 to 32), Inoue et al. provides supplementary heat via electric heating members integrated with the heating heat exchanger (see, e.g., col. 2, lines 6 to 12). Inoue et al. further provides, referring to Figure 5, a control system whereby the electric heat is only supplied under certain conditions, such as when the outside temperature is below a set temperature, the engine cooling water is below a set temperature and a maximum heating switch is on. Thus, Inoue et al. discloses an air-conditioning system in which only a supplemental portion of the heat supplied to the air is switched off when not needed. Further, Inoue et al. does not disclose or suggest that any ventilation system whatsoever is switched off, or that a controller that controls a ventilation system is disabled when an outside temperature is below a temperature threshold.

In view of the foregoing, it is plainly apparent that Inoue et al. does not disclose, or even suggest, disabling a seat ventilation system below a first temperature threshold for the outside temperature by disabling a first controller or switching off a seat heater above a temperature threshold for the outside temperature by disabling a second controller, as recited in claims 6 and 11.

As indicated above, the combination of either Faust et al. or Faust et al. II and Inoue et al. does not disclose, or even suggest, all of the features of either of

claims 6 and 11. As such, Applicants respectfully submit that the combination of either Faust et al. or Faust et al. II, and Inoue et al. does not render unpatentable either of claims 6 and 11.

As regards claims 7 to 9, which depend from claim 6 and therefore include all of the features recited in claim 6, it is respectfully submitted that the combination of either Faust et al. or Faust et al. II, and Inoue et al. does not render unpatentable these dependent claims for at least the same reasons set forth above in support of the patentability of claim 6.

In view of all of the foregoing, withdrawal of this rejection is respectfully requested.

**IV. Allowed Claim 10**

Applicants note with appreciation the indication that claim 10 is allowed.

**V. Conclusion**

It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,

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